

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 ARTHUR TORLUCCI,
5 Petitioner,

No. C 08-04775 SBA (PR)

6 **ORDER OF TRANSFER**

7 v.
8 M. S. EVANS, Warden,
9 Respondent.

/

10 Petitioner, a state prisoner, has filed a pro se petition for a writ of habeas corpus.

11 Federal statute allows "the Supreme Court, any justice thereof, the district courts and any
12 circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." 28 U.S.C.
13 § 2241(a). A federal petition for a writ of habeas corpus made by a person in custody under the
14 judgment and sentence of a State court is properly filed in either the district of confinement or the
15 district of conviction. Id. § 2241(d). Where a case is filed in the wrong venue, the district court has
16 the discretion to transfer it to the proper federal court "in the interest of justice." See 28 U.S.C.
17 § 1406(a).

18 Here, Petitioner challenges a conviction and sentence incurred in Los Angeles County
19 Superior Court, which is in the venue of the Western Division of the Central District of California.
20 See 28 U.S.C. § 84. Accordingly, that is the proper venue for this action.

21 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the
22 Clerk of the Court is ordered to TRANSFER this action forthwith to the United States District Court
23 for the Western Division of the Central District of California.

24 IT IS SO ORDERED.

25 DATED: 10/22/08


26 SAUNDRA BROWN ARMSTRONG
27 UNITED STATES DISTRICT JUDGE
28

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

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5
6 ARTHUR TORLUCCI,
7 Plaintiff,
8 v.
9 MS EVANS et al,
10 Defendant.

Case Number: CV08-04775 SBA

CERTIFICATE OF SERVICE

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,
Northern District of California.

13 That on October 23, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
in the Clerk's office.

16
17 Arthur Torlucci K-33910
18 Salinas Valley State Prison
P.O. Box 1050
19 Soledad, CA 93960-1050

20 Dated: October 23, 2008

Richard W. Wieking, Clerk
21 By: LISA R CLARK, Deputy Clerk

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